

Summer 2000

The Citing of Law Reviews by the Supreme Court:1971-1999

Louis J. Sirico Jr.
Villanova University School of Law

Follow this and additional works at: <https://www.repository.law.indiana.edu/ilj>



Part of the [Courts Commons](#), [Legal Education Commons](#), and the [Legal Writing and Research Commons](#)

Recommended Citation

Sirico, Louis J. Jr. (2000) "The Citing of Law Reviews by the Supreme Court:1971-1999," *Indiana Law Journal*: Vol. 75 : Iss. 3 , Article 5.

Available at: <https://www.repository.law.indiana.edu/ilj/vol75/iss3/5>

This Special Feature is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Indiana Law Journal by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.



JEROME HALL LAW LIBRARY

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

The Citing of Law Reviews by the Supreme Court:1971-1999

LOUIS J. SIRICO, JR.*

I. INTRODUCTION

In 1986, Jeffrey Margulies and I published a study examining the frequency with which the contemporary United States Supreme Court cited legal periodicals during two three-year periods spaced seven years apart: the 1971-73 Supreme Court terms and the 1981-83 Supreme Court terms.¹ In that article, we highlighted four findings. First, the Court most frequently cited journals that normally are regarded as elite.²

* Professor of Law, Villanova University School of Law. B.A., 1967, Yale University; J.D., 1972, University of Texas. I wish to thank the many research assistants who have worked on this Article over a number of years, particularly Christopher Dolotosky, Allison Miller, Christopher Saracino, Stephen Sullivan, and Lane Vines. I also would like to thank my colleagues John Gotanda and Gregory Magarian for their suggestions.

1. See Louis J. Sirico, Jr. & Jeffrey B. Margulies, *The Citing of Law Reviews by the Supreme Court: An Empirical Study*, 34 UCLA L. REV. 131 (1986). I later published a similar study on the citation practices of the United States Courts of Appeals and obtained roughly parallel results. See Louis J. Sirico, Jr. & Beth A. Drew, *The Citing of Law Reviews by the United States Courts of Appeals: An Empirical Analysis*, 45 U. MIAMI L. REV. 1051 (1991). Other empirical studies of judicial citation practices include Neil N. Bernstein, *The Supreme Court and Secondary Source Material: 1965 Term*, 57 GEO. L.J. 55 (1968); Joseph A. Custer, *Citation Practices of the Kansas Supreme Court and Kansas Court of Appeal*, 7 KAN. J.L. & PUB. POL'Y 120 (1998); Wes Daniels, "Far Beyond the Law Reports": *Secondary Source Citations in United States Supreme Court Opinions, October Terms 1900, 1940, and 1978*, 76 L. LIBR. J. 1, 30-32 (1983); Scott Finet, *The Most Frequently Cited Law Reviews and Legal Periodicals*, LEGAL REFERENCE SERVICES Q., Nos. 3-4 1989, at 227; Lawrence M. Friedman et al., *State Supreme Courts: A Century of Style and Citation*, 33 STAN. L. REV. 773 (1981); Laura K. Justiss, *A Bibliometric Study of Texas Law Reviews*, 85 L. LIBR. J. 407 (1993); Richard G. Kopf, *Do Judges Read the Review? A Citation-Counting Study of the Nebraska Law Review and the Nebraska Supreme Court, 1972-1996*, 76 NEB. L. REV. 708 (1997); James Leonard, *An Analysis of Citations to Authority in Ohio Appellate Decisions Published in 1990*, 86 L. LIBR. J. 129 (1994); Douglass B. Maggs, *Concerning the Extent to Which the Law Review Contributes to the Development of Court 1977: A Statistical Analysis*, 15 WAKE FOREST L. REV. 39, 61 (1979); Richard A. Mann, *The North Carolina Supreme Court 1977: A Statistical Analysis*, 15 WAKE FOREST L. REV. 39, 61 (1979); Richard A. Mann, *The Use of Legal Periodicals by Courts and Journals*, 26 JURIMETRICS J. 400 (1986); William H. Manz, *The Citation Practices of the New York Court of Appeals, 1850-1993*, 43 BUFF. L. REV. 121 (1995); Michael McClintock, *The Declining Use of Legal Scholarship by Courts: An Empirical Study*, 51 OKLA. L. REV. 659 (1998); John H. Merryman, *Toward a Theory of Citations: An Empirical Study of the Citation Practice of the California Supreme Court in 1950, 1960, and 1970*, 50 S. CAL. L. REV. 381 (1977); Chester A. Newland, *Legal Periodicals and the United States Supreme Court*, 7 U. KAN. L. REV. 477, 481-82 (1959); John Scurlock, *Scholarship and the Courts*, 32 UMKCL. REV. 228, 232-58 (1964); Fritz Snyder, *The Citation Practices of the Montana Supreme Court*, 57 MONT. L. REV. 453 (1996); Bart Sloan, Note, *What Are We Writing for? Student Works as Authority and Their Citation by the Federal Bench, 1986-1990*, 61 GEO. WASH. L. REV. 221 (1992).

2. See Sirico & Margulies, *supra* note 1, at 132-34.

Second, from the first study period to the second, it cited journal articles less frequently.³ Third, from the first period to the second, it cited neither the group of elite journals nor the group of infrequently cited journals significantly more or less.⁴ Fourth, the Court cited certain journals with increasing frequency.⁵

The present study updates the earlier effort to offer us a look at the Court's citation practices over an extensive period. Here, we examine citation practices during the 1971-73, 1981-83, 1991-93, and 1996-98 Supreme Court Terms,⁶ giving us four three-year periods as samples over the twenty-eight years. Our findings generally mirror our earlier ones. We find a continuing decline in number of times the Court cited legal periodicals and a noticeable decrease in citations to the top tier of law journals. This latter phenomenon is primarily due to a remarkable decline in the number of citations to the *Harvard Law Review*.⁷

II. METHODOLOGY

In our previous study, we engaged in electronic searches to locate citations.⁸ Because the Court opinions use a wide variety of citation forms to identify journals, we tried to enter as search terms every possible variation and then followed up with spot checks on the printed page.

For this study, we selected the very traditional method of reading all the pages without electronic assistance.⁹ Because a reader still can miss a citation, this method is not foolproof; however, it is at least as accurate than our previous method, if not more so. Though we were confident of the results of the first study, we are even more confident of the current results.¹⁰

III. THE DOMINANCE OF THE ELITE JOURNALS

Most of the Court's citations continue to refer to journals that are generally regarded as elite. Of the nine law journals that were most frequently cited in 1971-73, all were among the nine most frequently cited in 1981-83.¹¹ Eight of the original

3. *See id.* at 134-35.

4. *See id.* at 135-36.

5. *See id.* at 136-37.

6. The Supreme Court terms run from October to July. Thus, the 1991-93 survey period runs from October 1991 to the end of the term in July 1994.

7. Appendix III, *infra*, most graphically shows these results.

8. *See Sirico & Margulies, supra* note 1, at 132 n.3.

9. We counted citations only in memorandum opinions, including concurring opinions and dissents. On the difficulties of counting citations electronically, see McClintock, *supra* note 1, at 684. For purposes of consistency, we counted a citation only when the citation included the name of the law journal. For example, we would not count an "*id.*" In the Supreme Court opinions, there are very few short forms of citations referring to law journals.

10. Our results are corroborated by a more modest study, McClintock, *supra* note 1, at 682-95 (using three two-year survey periods and conducting an electronic search of 40 law journals).

11. In descending order of frequency (1981-83), they were the *Harvard Law Review*, *Columbia Law Review*, *Yale Law Journal*, *University of Chicago Law Review*, *Michigan Law*

group were among the nine most frequently cited in 1991-93,¹² and six were on this elite list in 1996-98.¹³ In each time period, these journals were ranked in different orders. Seven journals were among the top ten in all four time periods: the *Columbia Law Review*, *Harvard Law Review*, *Michigan Law Review*, *Stanford Law Review*, *University of Chicago Law Review*, *Virginia Law Review*, and *Yale Law Journal*.¹⁴ The two journals in this category in three of the four time periods were the *California Law Review* and the *University of Pennsylvania Law Review*. The *New York University Law Review* was in this category in two of the four time periods.

We can only speculate on why the elite journals dominate. The three possible reasons we raised in previous articles are still the most likely ones.¹⁵ First, the Court may find the articles in these journals more helpful. Second, the Court may tend to cite articles mentioned in the attorneys' briefs; in turn, the attorneys may cite articles from elite journals in the belief that citations to these articles may make an argument more persuasive. Third, the justices may hire clerks primarily from elite schools, who then prefer to cite the journals that they once staffed.

IV. DECLINE IN THE NUMBER OF CITATIONS

The number of citations to legal periodicals has suffered a steady decline from 963 in the 1971-73 period, to 767 in the 1981-83 period, to 577 in 1991-93, and to 271 in 1996-98.¹⁶ Many journals show a modest drop in citations, which accounts for the general decrease. One possible explanation is that the Court's current conservative jurisprudence focuses on deciding cases on narrow grounds and does not find much legal scholarship to be helpful, particularly the theoretical scholarship that most often appears in the elite journals.¹⁷ A court that strongly prefers to decide issues on narrow

Review, *University of Pennsylvania Law Review*, *California Law Review*, *Virginia Law Review*, and *New York University Law Review*. In this latter period, the *Stanford Law Review* tied the *New York University Law Review* for ninth place. In 1971-73, the *Stanford Law Review* tied for 11th place with the *Georgetown Law Journal*. See *infra* Appendix III.

12. In descending order of frequency (1991-93), they were the *Harvard Law Review*, *Columbia Law Review*, *Yale Law Journal*, *University of Chicago Law Review*, *California Law Review*, *University of Pennsylvania Law Review*, *Michigan Law Review*, and *Virginia Law Review*. The *Stanford Law Review*, ranking 11th in 1971-73, ranked 8th. See *infra* Appendix III.

13. In descending order of frequency, they were the *Harvard Law Review*, *Yale Law Journal*, *Columbia Law Review*, *Michigan Law Review*, *University of Chicago Law Review*, and *Virginia Law Review*. The *Stanford Law Review* and the *Cornell Law Review* tied for seventh place, and the *Duke Law Journal* and the *Vanderbilt Law Review* tied for ninth place. None of these four journals were among the top nine in 1971-73. They ranked 11th, 29th, 22nd, and 18th, respectively. See *infra* Appendix III.

14. For authority for this information and for the information in the rest of this paragraph, see *infra* Appendix III.

15. See Sirico & Margulies, *supra* note 1, at 133-34; Sirico & Drew, *supra* note 1, at 1055.

16. See *infra* Appendix III.

17. For a defense of this judicial philosophy, see CASS R. SUNSTEIN, ONE CASE AT A TIME: JUDICIAL MINIMALISM ON THE SUPREME COURT (1999).

Debates over the value of academic legal scholarship and the function of law reviews have yielded an extensive literature—too much to include in a bibliographic footnote. The germinal

grounds and has great respect for stare decisis is not strongly interested in academic arguments encouraging it to break new analytical ground.¹⁸

A consideration ameliorating the dramatic nature of our findings is that in the last two survey periods, the Court has issued fewer full opinions disposing of the cases on their merits. Yet, factoring in this consideration does not affect our findings appreciably. One set of calculations arguably supports this conclusion. If we calculate the number of law journal citations per opinion for each survey period—counting separately each majority, per curiam,¹⁹ plurality, concurring, and dissenting opinion—there were 0.86 citations per opinion in the 1971-73 terms,²⁰ 0.68 citations per opinion in the 1981-83 terms,²¹ 0.75 citations per opinion in the 1991-93 terms,²²

articles are Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38 (1936); Fred Rodell, *Goodbye to Law Reviews—Revisited*, 48 VA. L. REV. 279 (1962). In the current literature, some of the most prominent contributions are Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992); Kenneth Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926 (1990); James Lindgren, *An Author's Manifesto*, 61 U. CHI. L. REV. 527 (1994); Michael J. Saks et al., *Is There a Growing Gap Among Law, Law Practice, and Legal Scholarship?: A Systematic Comparison of Law Review Articles One Generation Apart*, 30 SUFFOLK L. REV. 353 (1996); Special Issue, *Law Review Conference*, 47 STAN. L. REV. 1117 (1995); Max Steir et al., *Law Review Usage and Suggestions for Improvement: A Survey of Attorneys, Professors, and Judges*, 44 STAN. L. REV. 1467 (1992); Jean R. Sternlight, *Symbiotic Legal Theory and Legal Practice: Advocating a Common Jurisprudence of Law and Practical Applications*, 50 U. MIAMI L. REV. 707 (1996); Symposium, *Trends in Legal Citations and Scholarship*, 71 CHI.-KENT L. REV. 742 (1996).

18. Another question is whether legal scholarship really has grown more theoretical and less practical over the years. In an interesting study, Professor Michael Saks and his colleagues compared two samples of nonstudent law journal articles from nonspecialized law school publications from two periods: 1960 and 1985. See Saks et al., *supra* note 17, at 361. According to the reviewers, the utility of the articles from one period to another increased most visibly to scholars and “by a marginally significant amount” to judges and legislators; there was “no statistically detectable change” in utility for practitioners. *Id.* at 369. They found the 1980 articles more critical of existing law and more theoretical, particularly among the elite journals. See *id.* at 370-71. Yet, as the authors point out, with the proliferation of law journals, there has been an increase in the number of practical articles. See *id.* The authors conclude: “The top-quintile journals seem to have increasingly become the province of legal scholars and the most experimental kind of scholarship and less a forum for exchanges among legal scholars, practitioners, and judges.” *Id.* at 374. They suggest that if courts look beyond the elite journals, they will find articles that are more useful and more worthy of citation. See *id.*

19. Included in the count are only those per curiam opinions more than a few lines long.

20. There were 963 law journal citations in 1115 opinions. In arriving at the number of opinions, we relied on the calculations appearing in the *Harvard Law Review's* annual report on the most recent Supreme Court term in a section entitled “The Statistics.” See *The Supreme Court, 1971 Term*, 86 HARV. L. REV. 52, 297 (1972); *The Supreme Court, 1972 Term*, 87 HARV. L. REV. 57, 303 (1973); *The Supreme Court, 1973 Term*, 88 HARV. L. REV. 43, 274 (1974).

21. There were 767 law journal citations in 1127 opinions. In arriving at the number of opinions, we relied on the calculations appearing in the *Harvard Law Review's* annual report on the most recent Supreme Court term in a section entitled “The Statistics.” *The Supreme Court, 1981 Term*, 96 HARV. L. REV. 62, 304 (1982); *The Supreme Court, 1982 Term*, 97

and 0.47 citations per opinion in the 1996-98 terms.²³ Thus, with the exception of the 1991-93 terms, these calculations show a steady decline in the number of citations per opinion.

Our findings are even more remarkable when we break down the citations according to the Justices responsible for them. In our earlier study covering the 1971-73 and 1981-83 terms, we found that except perhaps for Justice Black, none of the Justices seemed to be abnormally sparing or free in citing secondary sources.²⁴ However, for the 1996-98 terms, we reach a far different conclusion. During that period, Justice Souter was responsible for 72 of the 172 citations. The Justice citing the second greatest number of law journals was Justice Breyer with forty-three citations, followed by Justices Stevens (thirty-seven), Scalia (thirty), Ginsburg (twenty-nine), Thomas (twenty-four), Rehnquist (sixteen), and Kennedy (nine).²⁵ Thus, without Justice Souter, the number of citations in Supreme Court opinions would be considerably lower.

Of the elite journals, the periodical showing the most stunning decline is the *Harvard Law Review*. The number of citations to that journal went from 169 in 1971-73, to 115 in 1981-83, to 68 in 1991-93, to 30 in 1996-98.²⁶ This finding is somewhat puzzling. Although it is easy to conclude that the most elite journals are publishing primarily for the scholar, rather than the bench or bar, it is still difficult to determine why the *Harvard Law Review* has suffered such a decline. It would not appear to even more academic than similar elite journals. Perhaps, even though we might classify many articles in these journals as academic, a greater percentage of those in the *Harvard Law Review* have less immediately practical value than those in the comparable journals. This conclusion can be only speculative.

HARV. L. REV. 70, 295 (1983); *The Supreme Court, 1983 Term*, 98 HARV. L. REV. 87, 307 (1984).

22. There were 577 law journal citations in 772 opinions. In arriving at the number of opinions, we relied on the calculations appearing in the *Harvard Law Review's* annual report on the most recent Supreme Court term in a section entitled "The Statistics." See *The Supreme Court, 1991 Term*, 106 HARV. L. REV. 163, 378 (1991); *The Supreme Court, 1992 Term*, 107 HARV. L. REV. 144, 372 (1993); *The Supreme Court, 1993 Term*, 108 HARV. L. REV. 139, 372 (1994).

23. There were 271 law journal citations in 579 opinions. In arriving at the number of opinions, we relied on the calculations appearing in the *Harvard Law Review's* annual report on the most recent Supreme Court term in a section entitled "The Statistics." See *The Supreme Court, 1996 Term*, 111 HARV. L. REV. 51, 431 (1997); *The Supreme Court, 1997 Term*, 112 HARV. L. REV. 122, 366 (1998). For the 1998 term, we calculated our own statistics.

24. See Sirico & Margulies, *supra* note 1, at 134-35.

25. Unfortunately, we do not have comparable statistics for the other survey periods.

26. See *infra* Appendix III. If we calculate the number of citations to the *Harvard Law Review* per full opinion—counting separately the majority, plurality, per curiam, concurring, and dissenting opinions—there would be 0.152 citations per opinion in the 1971-73 terms, 0.102 citations per opinion in the 1981-83 terms, 0.088 citations per opinion in the 1991-93 terms, and 0.052 citations per opinion in the 1996-98 terms. For the number of citations to the *Harvard Law Review*, see *infra* Appendix III. For the calculation of the number of written opinions per term, see *supra* notes 20-23.

V. GENERAL CONSISTENCY IN HOW FREQUENTLY PARTICULAR JOURNALS ARE CITED

Over the twenty-five years, only the top ten percent of cited journals has shown a noticeable drop in the percentage of citations garnered.²⁷ As previously noted, this drop is largely due to the decline in citations to the *Harvard Law Review*.²⁸ Thus, in 1971-73, the top 10% of cited journals held 58.36% of all citations;²⁹ in 1981-83, the percentage decreased to 56.84%,³⁰ an insignificant change. In 1991-93, the percentage declined to 52.69%,³¹ and, in 1996-98, it declined to 47.97%.³² Despite the decline, then, the elite journals have continued to dominate.

In contrast to the top 10%, in 1971-73, the bottom 50% held only 9.03%;³³ in 1996-98, this group held 16.97%.³⁴ It is risky to use these statistics to find a trend favoring these journals, because the comparable data for the other two periods does not support this conclusion. In 1981-83, this group claimed 10.04% of all citations,³⁵ and, in 1991-93, it claimed 11.09%.³⁶ Thus it would require surveys of future years to determine whether or not these journals are receiving greater acknowledgment by the Court.

If there is a trend favoring the less elite journals, it may be due to the growth of electronic legal research tools. In a previous era, researchers would naturally limit searches to a relatively small group of journals, most likely the most elite journals. In the electronic era, researchers can easily survey a wide group of journals. If the Court is looking for more traditional doctrinal scholarship than it is finding in the very elite journals, it may find the desired literature there.³⁷

VI. INCREASED CITATION OF CERTAIN JOURNALS

Although the number of citations amassed by most journals has not significantly changed from one period to the next, some journals have succeeded in garnering an increasing percentage of all citations by the Court. If we use as our sample the seventeen most frequently cited journals in 1996-98, the only journal showing a dramatic increase in citations from 1971-73 to 1996-98 was the *UCLA Law Review*.³⁸ In this group, the only journal showing an increase in citations both from 1981-83 to

27. See *infra* Appendices VIII, IX, X.

28. See *supra* text accompanying note 21.

29. See *infra* Appendix VIII.

30. See *infra* Appendix IX.

31. See *infra* Appendix X.

32. See *infra* Appendix VIII.

33. See *infra* Appendix IX; *supra* note 18.

34. See *infra* Appendix VIII.

35. See *infra* Appendix IX.

36. See *infra* Appendix X.

37. See *supra* note 18.

38. See *infra* Appendix V. During the 1971-73 period, the Court cited the *UCLA Law Review* once. See *id.* In 1981-83, the Court cited it seven times. See *infra* Appendix III. In 1991-93, the Court cited it 12 times. See *id.* In 1996-98, the Court cited it four times. See *id.*

1996-98 and from 1991-93 to 1996-98 was the *Boston College Law Review*.³⁹

VII. THE DOMINANCE OF RECENT ARTICLES

The Supreme Court primarily cites recent articles. For example, for the 1996-98 period, 47.60% of all articles cited were published since 1990, and 21.77% were published since 1995.⁴⁰ Presumably the justices view these sources as particularly persuasive and the most accurate reflection of the current state of the law and modes of legal analysis.

VIII. CONCLUSION

As was true of our previous study, our present study shows a continuing decline in judicial reliance on legal periodicals by the court that is by its nature most policy-oriented and would seem to be the most receptive to legal scholarship. Although the issue is certainly open to debate, it seems clear that elite legal academics are spending more time speaking to one another than they are speaking to the highest court in the land.⁴¹

39. See *infra* Appendices VI, VII. In 1981-83, the Court cited the *Boston College Law Review* once. See *infra* Appendix VI. In 1991-93, the Court cited it once. See *infra* Appendix VII. In 1996-98, the Court cited it four times. See *id.* Of course, dealing with such small numbers permits calculating dramatic percentages.

In an era of declining citations, it is noteworthy when a journal continues to enjoy roughly the same number of citations during most of the survey periods. Among the top journals, this group includes the *California Law Review*, *Cornell Law Review*, *Duke Law Journal*, and *Vanderbilt Law Review*. See *infra* Appendix III.

40. For a graphic presentation of these statistics, see *infra* Appendices XI, XII. These statistics use the date on the spine of the journal volume as the date of publication. Because journals are regularly published late, the Court relies on recent articles even more than these numbers suggest. We found consistent results in a study of the citation practices of the United States Courts of Appeals. See Sirico & Drew, *supra* note 1, at 1055-56, 1060. Our findings are also consistent with the citation practices in other scholarly fields. See James Leonard, *Seein' the Cites: A Guided Tour of Citation Patterns in Recent American Law Review Articles*, 34 ST. LOUIS U. L.J. 181, 204-05 (1990).

41. A corroborating study is Deborah J. Merritt & Melanie Putnam, *Judges and Scholars: Do Courts and Scholarly Journals Cite the Same Law Review Articles?*, 71 CHI.-KENT L. REV. 871 (1996). It compared the articles most frequently cited by state and federal courts with articles most frequently cited by scholarly journals and found that the two groups of articles diverged dramatically. See *id.* at 880. According to the study, the two groups differ in four respects: subject matter, scholarly perspective, average prestige of the journals in which they are published, and certain characteristics of the authors (the law schools from which they graduated and whether they held named professorships or chairs). See *id.* at 897.

APPENDIX I
 FREQUENCY OF CITATIONS, OCT. 1996-OCT. 1998
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal (a)</i>	<i>No. of Citations (b)</i>	<i>Percentage of All Citations</i>
1	HARV. L. REV.	30	11.11%
2	YALE L.J.	23	8.51%
3	COLUM. L. REV.	18	6.67%
4	MICH. L. REV.	12	4.44%
5	U. CHI. L. REV.	10	3.70%
6	VA. L. REV.	9	3.33%
7	CORNELL. L. REV.	8	2.96%
8	STAN. L. REV.	8	2.96%
9	DUKE L.J.	6	2.22%
	VAND. L. REV.	6	2.22%
11	N.Y.U. L. REV.	5	1.85%
	U. PA. L. REV.	5	1.85%
13	B.C. L. REV. (c)	4	1.48%
	CAL. L. REV.	4	1.48%
	GEO. L.J.	4	1.48%
	S. CAL. L. REV.	4	1.48%
	UCLA L. REV.	4	1.48%
	WASH L. REV.	4	1.48%
	YALE. J. ON REG.	4	1.48%
20	ARK. L. REV.	3	1.11%
	B.U. L. REV.	3	1.11%
	DUQ. L. REV.	3	1.11%
	EMORY L.J. (d)	3	1.11%
	HARV. J. ON LEGIS.	3	1.11%
	IOWA. L. REV.	3	1.11%
	Nw. U. L. REV. (e)	3	1.11%
27	AM. J. LEGAL HIST.	2	0.74%
	AM. J. INT'L L.	2	0.74%
	FORDHAM L. REV.	2	0.74%
	FORDHAM URB. L.J.	2	0.74%
	GEO. WASH. L. REV.	2	0.74%
	HARV. J.L. & PUB. POL'Y	2	0.74%
	MINN. L. REV.	2	0.74%
	NOTRE DAME L. REV.	2	0.74%
	ST. LOUIS U. L.J.	2	0.74%
	TEX. L. REV.	2	0.74%
	WM. & MARY L. REV.	2	0.74%
38	AM. CRIM. L. REV.	1	0.37%
	ARIZ. L. REV.	1	0.37%

APPENDIX I CONTINUED
 FREQUENCY OF CITATIONS, OCT. 1996-OCT. 1998
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>No. of Citations</i>	<i>Percentage of All Citations</i>
	BANKING L.J.	1	0.37%
	BUS. LAW.	1	0.37%
	CARDOZO ARTS & ENT. L.J.	1	0.37%
	CATH. U. L. REV.	1	0.37%
	COLUM. HUM. RTS. L. REV.	1	0.37%
	COLUM. J.L. & SOC. PROBS.	1	0.37%
	CONST. COMM.	1	0.37%
	CONST. L.J.	1	0.37%
	CRIM. L. BULL.	1	0.37%
	DEF. COUNS. J.	1	0.37%
	ENERGY L.J.	1	0.37%
	FED. COMM. L.J.	1	0.37%
	FLA. B.J.	1	0.37%
	F.R.D. (f)	1	0.37%
	FOOD DRUG COSM. L.J.	1	0.37%
	GEO. J. LEGAL ETHICS	1	0.37%
	GA. L. REV.	1	0.37%
	HARV. C.R.-C.L. L. REV.	1	0.37%
	HARV. J.L. & TECH.	1	0.37%
	HASTINGS CONST. L.Q.	1	0.37%
	HOFSTRA L. REV.	1	0.37%
	IDAHO L. REV.	1	0.37%
	INT'L BUS. LAW.	1	0.37%
	J. MARSHALL L. REV. (g)	1	0.37%
	J.L. & HEALTH	1	0.37%
	J.L. & TECH.	1	0.37%
	LAW & POL'Y INT'L BUS.	1	0.37%
	LA. L. REV.	1	0.37%
	LOY. L.A. L. REV.	1	0.37%
	ME. L. REV.	1	0.37%
	MD. L. REV.	1	0.37%
	MICH. L. & POL'Y REV.	1	0.37%
	NAT. RESOURCES J.	1	0.37%
	NOTRE DAME J.L. ETHICS & PUB. POL'Y	1	0.37%
	N.C. L. REV.	1	0.37%
	N. ILL. U. L. REV.	1	0.37%
	RUTGERS L. REV.	1	0.37%

APPENDIX I CONTINUED
 FREQUENCY OF CITATIONS, OCT. 1996-OCT. 1998
 SUPREME COURT TERMS

Rank (1996- 1998)	Journal	No. of Citations	Percentage of All Citations
	ST. JOHN'S L. REV.	1	0.37%
	S. ILL. U. L.J.	1	0.37%
	SMU L. REV.	1	0.37%
	SW. J.L. & TRADE AM.	1	0.37%
	STAN. L.J. BUS. & FIN.	1	0.37%
	SYRACUSE L. REV.	1	0.37%
	TULSA L.J.	1	0.37%
	U. ARK. LITTLE ROCK L.J.	1	0.37%
	U. BALT. L. REV.	1	0.37%
	U. CIN. L. REV.	1	0.37%
	U. COLO. L. REV. (h)	1	0.37%
	U. DET. MERCY L. REV.	1	0.37%
	U. FLA. L. REV.	1	0.37%
	U. MIAMI L. REV.	1	0.37%
	U. PUGET SOUND L. REV.	1	0.37%
	U.S.F. L. REV.	1	0.37%
	VILL. L. REV.	1	0.37%
	WAKE FOREST L. REV.	1	0.37%
	WASH. & LEE L. REV.	1	0.37%
	W. NEW ENG. L. REV.	1	0.37%
	WIS. L. REV.	1	0.37%

- (a) The Court cited 97 journals.
- (b) The Court cited journals 271 times. The calculation of journal cites may include multiple citings of the same journal within the same Supreme Court case. *See supra* note 9.
- (c) In November 1977, the *Boston College Industrial and Commercial Law Review* changed its title to the *Boston College Law Review*, beginning with volume 19.
- (d) In 1974, the *Journal of Public Law* changed its title to the *Emory Law Journal*, beginning with volume 23.
- (e) In March-April 1952, the *Illinois Law Review* changed its title to the *Northwestern University Law Review*, beginning with volume 47.
- (f) The Court cited the *Federal Rules Decisions* one time. Citations to cases in the *Federal Rules* are not included.
- (g) In Winter 1980, the *John Marshall Journal of Practice and Procedure* became the *John Marshall Law Review*, beginning with volume 13.
- (h) In Fall 1962, the *Rocky Mountain Law Review* changed its title to the *University of Colorado Law Review*, beginning with volume 35.

APPENDIX II
 FREQUENCY OF CITATIONS, OCT. 1991-OCT. 1993
 SUPREME COURT TERMS

<i>Rank (1991- 1993)</i>	<i>Journal (a)</i>	<i>No. of Citations (b)</i>	<i>Percentage of All Citations</i>
1	HARV. L. REV.	68	11.79%
2	COLUM. L. REV.	45	7.80%
3	YALE L.J.	42	7.28%
4	U. CHI. L. REV.	26	4.51%
5	CAL. L. REV.	21	3.64%
6	N.Y.U. L. REV.	16	2.77%
7	MICH. L. REV.	15	2.60%
8	STAN. L. REV.	13	2.25%
	VA. L. REV.	13	2.25%
10	S. CAL. L. REV.	12	2.08%
	UCLA L. REV.	12	2.08%
12	U. PA. L. REV.	11	1.91%
13	GEO. L.J.	10	1.73%
	SUP. CT. REV.	10	1.73%
15	FORDHAM L. REV.	9	1.56%
	GEO. WASH. L. REV.	9	1.56%
17	CARDOZO L. REV.	8	1.39%
	CORNELL L. REV.	8	1.39%
	DUKE L.J.	8	1.39%
	MINN. L. REV.	8	1.39%
21	HASTINGS L.J.	7	1.21%
	NW. U. L. REV. (c)	7	1.21%
23	CARDOZO ARTS & ENT. L.J.	6	1.04%
	IOWA L. REV.	6	1.04%
	NOTRE DAME L. REV.	6	1.04%
	TEX. L. REV.	6	1.04%
	VAND. L. REV.	6	1.04%
	WM. & MARY L. REV.	6	1.04%
29	B.U. L. REV.	5	0.87%
	DEPAUL L. REV.	5	0.87%
	J. CORP. L.	5	0.87%
	J.L. & ECON.	5	0.87%
	JURIMETRICS J.	5	0.87%
	TAX NOTES	5	0.87%
35	TAX LAW.	4	0.69%
	U. FLA. L. REV.	4	0.69%
37	AM. J. INT'L L.	3	0.52%
	BYU L. REV.	3	0.52%
	COPYRIGHT L. SYMP. (ASCAP)	3	0.52%

APPENDIX II CONTINUED
 FREQUENCY OF CITATIONS, OCT. 1991-OCT. 1993
 SUPREME COURT TERMS

<i>Rank (1991- 1993)</i>	<i>Journal</i>	<i>No. of Citations</i>	<i>Percentage of All Citations</i>
	GA. L. REV.	3	0.52%
	HARV. C.R.-C.L.L. REV.	3	0.52%
	J. PAT. [& TRADEMARK]		
	OFF. SOC'Y	3	0.52%
	WASH. & LEE L. REV.	3	0.52%
44	AM. BANKR. L.J.	2	0.35%
	AM. J. LEGAL HIST.	2	0.35%
	BUS. LAW.	2	0.35%
	CONN. L. REV.	2	0.35%
	CRIME & DELINQ.	2	0.35%
	DICK. L. REV.	2	0.35%
	EMORY L.J. (d)	2	0.35%
	F.R.D. (e)	2	0.35%
	J. MARSHALL L. REV. (f)	2	0.35%
	J. LEGAL STUD.	2	0.35%
	JUDICATURE	2	0.35%
	MIL. L. REV.	2	0.35%
	MO. L. REV.	2	0.35%
	OHIO ST. L.J.	2	0.35%
	RECUEIL DES COURS (g)	2	0.35%
	TUL. MAR. L.J.	2	0.35%
	U. CIN. L. REV.	2	0.35%
	U. PITT. L. REV.	2	0.35%
	VILL. L. REV.	2	0.35%
	WIS. L. REV.	2	0.35%
	YALE J. INT'L L.	2	0.35%
	YALE L. & POL'Y REV.	2	0.35%
66	A.B.A. J.	1	0.17%
	ADMIN. L. REV.	1	0.17%
	AKRON L. REV.	1	0.17%
	ALA. L. REV.	1	0.17%
	ALB. L.J.	1	0.17%
	AM. J. CRIM. L.	1	0.17%
	AM. U. L. REV.	1	0.17%
	ANTITRUST BULL.	1	0.17%
	BANKR. DEV. J.	1	0.17%
	BEHAV. SCI. & L.	1	0.17%
	B.C. L. REV. (h)	1	0.17%
	BRIT. Y.B. INT'L L.	1	0.17%

APPENDIX II CONTINUED
 FREQUENCY OF CITATIONS, OCT. 1991-OCT. 1993
 SUPREME COURT TERMS

<i>Rank (1991- 1993)</i>	<i>Journal</i>	<i>No. of Citations</i>	<i>Percentage of All Citations</i>
	BROOK. L. REV.	1	0.17%
	BUFF. L. REV.	1	0.17%
	CATH. U. L. REV.	1	0.17%
	CHI.-KENT L. REV.	1	0.17%
	COLUM. HUM. RTS. L. REV.	1	0.17%
	CRIM. L. BULL.	1	0.17%
	CUMB. L. REV.	1	0.17%
	HAMLIN J. PUB. L. & POL'Y	1	0.17%
	HARV. ENVTL. L. REV.	1	0.17%
	HARV. J. ON LEGIS.	1	0.17%
	HOFSTRA L. REV.	1	0.17%
	HOW. L.J.	1	0.17%
	IND. L.J.	1	0.17%
	INT'L J. REFUGEE L.	1	0.17%
	INT'L REV. L. & ECON.	1	0.17%
	J. AIR L. & COM.	1	0.17%
	J. CRIM. L. & CRIMINOLOGY	1	0.17%
	J. MAR. L. & COM.	1	0.17%
	J. ST. TAX'N	1	0.17%
	J. TAX'N	1	0.17%
	KAN. L. REV.	1	0.17%
	LAB. LAW.	1	0.17%
	LAW & CONTEMP. PROBS.	1	0.17%
	LAW Q. REV.	1	0.17%
	L. & SOC'Y REV.	1	0.17%
	LA. L. REV.	1	0.17%
	LOY. L.A. L. REV.	1	0.17%
	MD. L. REV.	1	0.17%
	MISS. L.J.	1	0.17%
	MONT. L. REV.	1	0.17%
	N.Y. ST. B.J.	1	0.17%
	N.Y.U. REV. L. & SOC. CHANGE	1	0.17%
	N.C. L. REV.	1	0.17%
	PAC. L.J.	1	0.17%
	PEPP. L. REV.	1	0.17%
	SANTA CLARA L. REV.	1	0.17%
	SETON HALL L. REV.	1	0.17%

APPENDIX II CONTINUED
 FREQUENCY OF CITATIONS, OCT. 1991-OCT. 1993
 SUPREME COURT TERMS

<i>Rank (1991- 1993)</i>	<i>Journal</i>	<i>No. of Citations</i>	<i>Percentage of All Citations</i>
	S. ILL. U. L.J.	1	0.17%
	STETSON L. REV.	1	0.17%
	TEMP. L.Q.	1	0.17%
	TEX. B.J.	1	0.17%
	U. COLO. L. REV. (i)	1	0.17%
	U. DET. MERCY L. REV.	1	0.17%
	U. MICH. J. L. REFORM	1	0.17%
	UTAH B.J.	1	0.17%
	WASH. U. L.Q.	1	0.17%
	W. ST. U. L. REV.	1	0.17%
	WILLAMETTE L. REV.	1	0.17%

- (a) The Court cited 125 journals.
- (b) The Court cited journals 577 times. The calculation of journal cites may include multiple citings of the same journal within the same Supreme Court case. *See supra* note 9.
- (c) In March-April 1952, the *Illinois Law Review* changed its title to the *Northwestern University Law Review*, beginning with volume 47.
- (d) In 1974, the *Journal of Public Law* changed its title to the *Emory Law Journal*, beginning with volume 23.
- (e) The Court cited articles in the *Federal Rules Decisions* two times. Citations to cases in the *Federal Rules* are not included.
- (f) In Winter 1980, the *John Marshall Journal of Practice and Procedure* changed its title to the *John Marshall Law Review*, beginning with volume 13.
- (g) *Recueil des Cours* is published by the Hague Academy of International Law.
- (h) In November 1977, the *Boston College Industrial and Commercial Law Review* changed its title to the *Boston College Law Review*, beginning with volume 19.
- (i) In Fall 1962, the *Rocky Mountain Law Review* changed its title to the *University of Colorado Law Review*, beginning with volume 35.

APPENDIX III
 FREQUENCY OF CITATIONS
 1971-73, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal(a)</i>	<i>No. of Citations(b) (1971-73)</i>	<i>No. of Citations (1981-83)</i>	<i>No. of Citations (1991-93)</i>	<i>No. of Citations (1996-98)</i>
1	HARV. L. REV.	169	115	68	30
2	YALE L.J.	68	51	42	23
3	COLUM. L. REV.	53	52	45	18
4	MICH. L. REV.	27	32	15	12
5	U. CHI. L. REV.	29	40	26	10
6	VA. L. REV.	37	21	13	9
7	CORNELL L. REV.	6	10	8	8
	STAN. L. REV.	21	17	13	8
9	DUKE L.J.	9	9	8	6
	VAND. L. REV.	10	10	6	6
11	N.Y.U. L. REV.	26	17	16	5
	U. PA. L. REV.	44	25	11	5
13	B.C. L. REV. (c)	5	1	1	4
	CAL. L. REV.	27	23	21	4
	GEO. L.J.	21	16	10	4
	S. CAL. L. REV.	10	6	12	4
	UCLA L. REV.	1	7	12	4
	WASH. L. REV.	0	0	0	4
	YALE J. REG.	0	0	0	4
20	ARK. L. REV.	0	0	0	3
	B.U. L. REV.	1	5	5	3
	DUQ. L. REV.	0	0	0	3
	EMORY L.J. (d)	2	0	2	3
	HARV. J. ON LEGIS.	3	3	1	3
	IOWA L. REV.	10	0	6	3
	NW. U. L. REV. (e)	9	11	7	3
27	AM. J. LEGAL HIST.	3	2	2	2
	AM. J. INT'L L.	1	3	3	2
	FORDHAM L. REV.	6	3	9	2
	FORDHAM URB. L.J.	0	0	0	2
	GEO. WASH. L. REV.	0	0	0	2
	HARV. J.L. & PUB. POL'Y	0	0	1	2
	MINN. L. REV.	0	0	0	2
	NOTRE DAME L. REV.	6	1	6	2
	ST. LOUIS U. L.J.	0	0	0	2
	TEX. L. REV.	8	9	6	2
	WM. & MARY L. REV.	4	0	6	2

APPENDIX III CONTINUED
 FREQUENCY OF CITATIONS
 1971-73, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>No. of Citations (1971-73)</i>	<i>No. of Citations (1981-83)</i>	<i>No. of Citations (1991-93)</i>	<i>No. of Citations (1996-98)</i>
38	AM. CRIM. L. REV.	0	0	0	1
	ARIZ. L. REV.	0	0	0	1
	ARK. LITTLE ROCK L.J.	0	0	0	1
	BANKING L.J.	0	0	0	1
	BUS. LAW.	0	3	2	1
	CARDOZO ARTS & ENT. L.J.	0	0	6	1
	CATH. U. L. REV.	0	0	1	1
	COLUM. HUM. RTS. L. REV.	0	0	1	1
	COLUM. J.L. & SOC. PROBS.	0	0	0	1
	CONST. COMM.	0	0	0	1
	CONST. L.J.	0	0	0	1
	CRIM. L. BULL.	1	0	1	1
	DEF. COUNS. J.	0	0	0	1
	ENERGY L.J.	0	0	0	1
	FED. COMM. L.J.	0	0	0	1
	FLA. B.J.	0	0	0	1
	F.R.D. (f)	23	7	2	1
	FOOD DRUG COSM. L.J.	0	0	0	1
	GEO. J. LEGAL ETHICS	0	0	0	1
	GA. L. REV.	3	2	3	1
	HARV. C.R.-C.L. L. REV.	4	4	3	1
	HARV. J.L. & TECH. HASTINGS CONST. L.Q.	0	0	0	1
	HOFSTRA L. REV.	0	0	1	1
	IDAHO L. REV.	0	0	0	1
	INT'L BUS. LAW.	0	0	0	1
	J. MARSHALL L. REV. (g)	0	0	2	1
	J.L. & HEALTH	0	0	0	1
	J.L. & TECH.	0	0	0	1
	LAW & POL'Y	0	0	0	1

APPENDIX III CONTINUED
 FREQUENCY OF CITATIONS
 1971-73, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>No. of Citations (1971-73)</i>	<i>No. of Citations (1981-83)</i>	<i>No. of Citations (1991-93)</i>	<i>No. of Citations (1996-98)</i>
	LA. L. REV.	0	0	1	1
	LOY. L.A. L. REV.	0	0	1	1
	ME. L. REV.	0	0	0	1
	MD. L. REV.	3	2	1	1
	MICH. L. & POL'Y REV.	0	0	0	1
	NAT. RESOURCES J.	0	0	0	1
	NOTRE DAME J.L. ETHICS	0	0	0	1
	& PUB. POL'Y				
	N.C. L. REV.	6	4	1	1
	N. ILL. U. L. REV.	0	0	0	1
	RUTGERS L. REV.	0	0	0	1
	ST. JOHN'S L. REV.	0	0	0	1
	S. ILL. U. L.J.	0	0	1	1
	SMU L. REV.	0	0	0	1
	SW. J.L. & TRADE AM.	0	0	0	1
	STAN. L.J. BUS. & FIN.	0	0	0	1
	SYRACUSE L. REV.	0	0	0	1
	TULSA L.J.	0	0	0	1
	U. BALT. L. REV.	0	0	0	1
	U. CIN. L. REV.	7	5	2	1
	U. COLO. L. REV. (h)	5	0	1	1
	U. DET. MERCY L. REV.	0	0	1	1
	U. FLA. L. REV.	3	1	4	1
	U. MIAMI L. REV.	0	0	0	1
	U. PUGET SOUND L. REV.	0	0	0	1
	U.S.F. L. REV.	0	0	0	1
	VILL. L. REV.	8	0	2	1
	WAKE FOREST L. REV.	0	0	0	1
	WASH. & LEE L. REV.	0	0	0	1
	W. NEW ENG. L. REV.	0	0	0	1

APPENDIX III CONTINUED
 FREQUENCY OF CITATIONS
 1971-73, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>No. of Citations (1971-73)</i>	<i>No. of Citations (1981-83)</i>	<i>No. of Citations (1991-93)</i>	<i>No. of Citations (1996-98)</i>
98	WIS. L. REV.	4	5	2	1
	ADMIN. L. REV.	0	1	1	0
	AM. BANK. L.J.	0	2	2	0
	A.B.A. J.	17	8	1	0
	AKRON L. REV.	0	1	1	0
	ALA. L. REV.	0	0	1	0
	ALB. L. REV.	0	1	1	0
	AM. J. CRIM. L.	0	1	1	0
	AM. U. L. REV.	0	2	1	0
	ANTITRUST BULL.	0	2	1	0
	BANKR. DEV. J.	0	0	1	0
	BEHAV. SCI. & L.	0	0	1	0
	BYU L. REV.	0	0	3	0
	BRIT. Y.B. INT'L L.	0	0	1	0
	BROOK. L. REV.	2	1	1	0
	BUFF. L. REV.	4	7	1	0
	CARDOZO L. REV.	0	0	8	0
	CHI.-KENT L. REV.	0	0	1	0
	CONN. L. REV.	0	0	2	0
	COPYRIGHT L. SYMP.	0	0	3	0
	CRIME & DELINQ.	0	0	2	0
	CUMB. L. REV.	0	0	1	0
	DEPAUL L. REV.	2	2	5	0
	DICK. L. REV.	4	0	2	0
	HAMLIN J. PUB. L. & POL.	0	0	1	0
	HARV. ENVTL. L. REV.	0	0	1	0
	HOW. L.J.	2	1	1	0
	IND. L.J.	4	7	1	0
	INT'L J. REFUGEE L.	0	0	1	0
	INT'L REV. L. & ECON.	0	0	1	0
	J. AIR L. & COM.	1	2	1	0
	J. CORP. L.	0	0	5	0
	J. CRIM. L. & CRIMINOLOGY	0	0	1	0
	J.L. & ECON.	4	0	5	0
	J. LEGAL STUD.	0	1	2	0

APPENDIX III CONTINUED
 FREQUENCY OF CITATIONS
 1971-73, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>No. of Citations (1971-73)</i>	<i>No. of Citations (1981-83)</i>	<i>No. of Citations (1991-93)</i>	<i>No. of Citations (1996-98)</i>
	J. MAR. L. & COM.	1	2	1	0
	J. PAT. [& TRADEMARK]				
	OFF. SOC'Y	3	0	3	0
	J. ST. TAX'N	0	0	1	0
	J. TAX'N	3	2	1	0
	JUDICATURE	0	3	2	0
	JURIMETRICS J.	0	0	5	0
	KAN. L. REV.	0	0	1	0
	LAB. LAW.	0	0	1	0
	LAW & CONTEMP. PROBS.	10	11	1	0
	LAW & SOC'Y REV.	0	0	1	0
	LAW Q. REV.	0	1	1	0
	MIL. L. REV.	0	0	2	0
	MISS. L.J.	4	2	1	0
	MO. L. REV.	1	2	2	0
	MONT. L. REV.	1	1	1	0
	N.Y. ST. B.J.	1	0	1	0
	N.Y.U. REV. L. & SOC.	0	0	1	0
	OHIO ST. L.J.	2	3	2	0
	PAC. L.J.	0	0	1	0
	PEPP. L. REV.	0	0	1	0
	RECUEIL DES COURS (i)	0	0	2	0
	SANTA CLARA L. REV.	0	0	1	0
	SETON HALL L. REV.	1	1	1	0
	STETSON L. REV.	0	0	1	0
	SUP. CT. REV.	14	7	10	0
	TAX LAW.	0	0	4	0
	TAX NOTES	0	0	5	0
	TEMP. L.Q.	5	3	1	0
	TEX. B.J.	0	0	1	0
	TUL. MAR. L.J.	0	0	2	0
	U. MICH. J.L. REFORM	6	2	1	0

APPENDIX III CONTINUED
 FREQUENCY OF CITATIONS
 1971-73, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>No. of Citations (1971-73)</i>	<i>No. of Citations (1981-83)</i>	<i>No. of Citations (1991-93)</i>	<i>No. of Citations (1996-98)</i>
	U. PITT. L. REV.	3	3	2	0
	UTAH B.J.	0	0	1	0
	WASH. U. L.Q.	6	2	1	0
	W. ST. U.L. REV.	0	0	1	0
	WILLAMETTE L. REV.	0	0	1	0
	YALE J. INT'L L.	0	0	2	0
	YALE L. & POL'Y REV.	0	0	2	0

- a. The Court cited journals 271 times during the 1996-98 term.
- b. The calculation of journal cites may include multiple citings of the same journal within the same Supreme Court case. *See supra* note 9.
- c. In November 1977, the *Boston College Industrial and Commercial Law Review* changed its title to the *Boston College Law Review*, beginning with volume 19.
- d. In 1974, the *Journal of Public Law* changed its title to the *Emory Law Journal*, beginning with volume 23.
- e. In March-April 1952, the *Illinois Law Review* changed its title to the *Northwestern University Law Review*, beginning with volume 23.
- f. The Court cited the *Federal Rules Decisions* one time. Citations to cases in the *Federal Rules* are not included.
- g. In Winter 1980, the *John Marshall Journal of Practice and Procedure* changed its title to the *John Marshall Law Review*, beginning with volume 13.
- h. In Fall 1962, the *Rocky Mountain Law Review* changed its title to the *University of Colorado Law Review*, beginning with volume 35.
- i. *Recueil des Cours* is published by the Hague Academy of International Law.

APPENDIX IV
 FREQUENCY OF CITATIONS, NET CHANGES
 1971-71, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal (a)</i>	<i>Incremental Net Change 71/73-81/83 (b)</i>	<i>Incremental Net Change 81/83-91/93</i>	<i>Incremental Net Change 91/93-96/98</i>	<i>Overall Net Change 71/73-96/98</i>
1	HARV. L. REV.	-31.95%	-40.87%	-55.88%	-82.25%
2	YALE L.J.	-25.00%	-17.65%	-45.24%	-66.18%
3	COLUM. L. REV.	-1.89%	-13.46%	-60.00%	-66.04%
4	MICH. L. REV.	18.52%	-53.13%	-20.00%	-55.56%
5	U. CHI. L. REV.	37.93%	-35.00%	-61.54%	-65.52%
6	VA. L. REV.	-43.24%	-38.10%	-30.77%	-75.68%
7	CORNELL L. REV.	66.67%	-20.00%	0.00%	33.33%
	STAN. L. REV.	-19.05%	-23.53%	-38.46%	-61.90%
9	DUKE L.J.	0.00%	-11.11%	-25.00%	-33.33%
	VAND. L. REV.	0.00%	-40.00%	0.00%	-40.00%
11	N.Y.U. L. REV.	-34.62%	-5.88%	-68.75%	-80.77%
	U. PA. L. REV.	-43.18%	-56.00%	-54.55%	-88.64%
13	B.C. L. REV. (c)	-80.00%	0.00%	300.00%	-20.00%
	CAL. L. REV.	-14.81%	-8.70%	-80.95%	-85.19%
	GEO. L.J.	-23.81%	-37.50%	-60.00%	-80.95%
	S. CAL. L. REV.	-40.00%	100.00%	-66.67%	-60.00%
	UCLA L. REV.	600.00%	71.43%	-66.67%	300.00%
	*WASH. L. REV.				
	*YALE J. ON REG.				
20	*ARK. L. REV.				
	B.U. L. REV.	400.00%	0.00%	-20.00%	200.00%
	*DUQ. L. REV.				
	EMORY L.J. (d)	-100.00%		50.00%	50.00%
	HARV. J. ON LEGIS.	0.00%	-66.67%	200.00%	0.00%
	IOWA L. REV.	-100.00%		-50.00%	-70.00%
	NW. U. L. REV. (e)	22.22%	-36.36%	-57.14%	-66.67%
27	AM. J. LEGAL HIST.	-33.33%	0.00%	0.00%	-33.33%
	AM. J. INT'L L.	200.00%	0.00%	-33.33%	100.00%
	FORDHAM L. REV.	-50.00%	200.00%	-77.78%	-66.67%
	*FORDHAM URB. L.J.				
	*GEO. WASH. L. REV.				
	*HARV. J.L. & PUB. POL'Y			100.00%	
	*MINN. L. REV. NOTRE DAME L. REV.	-83.33%	500.00%	-66.67%	-66.67%

APPENDIX IV CONTINUED
 FREQUENCY OF CITATIONS, NET CHANGES
 1971-71, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>Incremental Net Change 71/73-81/83</i>	<i>Incremental Net Change 81/83-91/93</i>	<i>Incremental Net Change 91/93-96/98</i>	<i>Overall Net Change 71/73-96/98</i>
	*ST. LOUIS U. L.J.				
	TEX. L. REV.	12.50%	-33.33%	-66.67%	-75.00%
	*WM. & MARY L. REV.		-66.67%	-50.00%	
38	*AM. CRIM. L. REV.				
	*ARIZ. L. REV.				
	*ARK. LITTLE ROCK L.J.				
	*BANKING L.J.				
	*BUS. LAW.		-33.33%	-50.00%	
	*CARDOZO ARTS & ENT. L.J.			-83.33%	
	*CATH. U. L. REV.			0.00%	
	*COLUM. HUM. RTS. L. REV.			0.00%	
	*COLUM. J.L. & SOC. PROBS.				
	*CONST. COMM.				
	*CONST. L.J.				
	*CRIM. L. BULL.	-100.00%		0.00%	0.00%
	*DEF. COUNS. J.				
	*ENERGY L.J.				
	*FED. COMM. L.J.				
	*FLA. B.J.				
	F.R.D. (f)	-69.57%	-71.43%	-50.00%	-95.65%
	*FOOD DRUG COSM. L.J.				
	*GEO. J. LEGAL ETHICS				
	GA. L. REV.	-33.33%	50.00%	-66.67%	-66.67%
	HARV. C.R.-C.L. L. REV.	0.00%	-25.00%	-66.67%	-75.00%
	*HARV. J.L. & TECH.				
	*HASTINGS CONST. L.Q.				
	*HOFSTRA L. REV.			0.00%	
	*IDAHO L. REV.				

APPENDIX IV CONTINUED
 FREQUENCY OF CITATIONS, NET CHANGES
 1971-71, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>Incremental Net Change 71/73-81/83</i>	<i>Incremental Net Change 81/83-91/93</i>	<i>Incremental Net Change 91/93-96/98</i>	<i>Overall Net Change 71/73-96/98</i>
	*INT'L BUS. LAW.				
	*J. MARSHALL L. REV. (g)			-50.00%	
	*J.L. & HEALTH				
	*J.L. & TECH.				
	*LAW & POL'Y				
	*LA. L. REV.			0.00%	
	*LOY. L.A. L. REV.			0.00%	
	*ME. L. REV.				
	MD. L. REV.	-33.33%	-50.00%	0.00%	-66.67%
	*MICH. L. & POL'Y REV.				
	*NAT. RESOURCES J.				
	*NOTRE DAME J.L. ETHICS & PUB. POL'Y				
	N.C. L. REV.	-33.33%	-75.00%	0.00%	-83.33%
	*N. ILL. U. L. REV.				
	*RUTGERS L. REV.				
	*ST. JOHN'S L. REV.				
	*S. Ill. U. L.J.			0.00%	
	*SMU L. Rev.				
	*SW J.L. & TRADE AM.				
	*STAN. L.J. BUS. & FIN.				
	*SYRACUSE L. REV.				
	*TULSA L.J.				
	*U. BALT. L. REV.				
	U. CIN. L. REV.	-28.57%	-60.00%	-50.00%	-85.71%
	*U. COLO. L. REV. (h)			0.00%	-80.00%
	*U. DET. MERCY L. REV.			0.00%	
	U. FLA. L. REV.	-66.67%	300.00%	-75.00%	-66.67%
	*U. MIAMI L. REV.				
	*U. PUGET SOUND L. REV.				
	*U.S.F. L. REV.				

APPENDIX IV CONTINUED
 FREQUENCY OF CITATIONS, NET CHANGES
 1971-71, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>Incremental Net Change 71/73-81/83</i>	<i>Incremental Net Change 81/83-91/93</i>	<i>Incremental Net Change 91/93-96/98</i>	<i>Overall Net Change 71/73-96/98</i>
	VILL. L. REV.	-100.00%		-50.00%	-87.50%
	*WAKE FOREST L. REV.				
	*WASH. & LEE L. REV.				
	*W. NEW ENG. L. REV.				
	Wis. L. REV.	25.00%	-60.00%	-50.00%	-75.00%
98	*AM. BANKR. L.J.			0.00%	-100.00%
	A.B.A. J.	-52.94%	-87.50%	-100.00%	-100.00%
	*ADMIN. L. REV.		0.00%	-100.00%	
	*AKRON L. REV.		0.00%	-100.00%	
	*ALA. L. REV.			-100.00%	
	*ALB. L. REV.		0.00%	-100.00%	
	*AM. J. CRIM. L.		0.00%	-100.00%	
	*AM. U. L. REV.		-50.00%	-100.00%	
	*ANTITRUST BULL.		-50.00%	-100.00%	
	*BANKR. DEV. J.			-100.00%	
	*BEHAV. SCI. & L.			-100.00%	
	BRIT. Y.B. INT'L L.			-100.00%	
	BROOK. L. REV.	-50.00%	0.00%	-100.00%	-100.00%
	BUFF. L. REV.	75.00%	-85.71%	-100.00%	-100.00%
	*BYU L. REV.			-100.00%	
	*CARDOZO L. REV.			-100.00%	
	*CHI.-KENT L. REV.			-100.00%	
	*CUMB. L. REV.			-100.00%	
	*CONN. L. REV.			-100.00%	
	*COPYRIGHT L. SYMP. (ASCAP)			-100.00%	
	*CRIME & DELINQ.			-100.00%	
	DEPAUL L. REV.	0.00%	150.00%	-100.00%	-100.00%
	*DICK. L. REV.	-100.00%		-100.00%	-100.00%
	*HAMLINE J. PUB. L. & POL'Y			-100.00%	
	*HARV. ENVTL. L. REV.			-100.00%	
	HOW. L.J.	-50.00%	0.00%	-100.00%	-100.00%
	IND. L.J.	75.00%	-85.71%	-100.00%	-100.00%

APPENDIX IV CONTINUED
 FREQUENCY OF CITATIONS, NET CHANGES
 1971-71, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>Incremental Net Change 71/73-81/83</i>	<i>Incremental Net Change 81/83-91/93</i>	<i>Incremental Net Change 91/93-96/98</i>	<i>Overall Net Change 71/73-96/98</i>
	*INT'L J. REFUGEE L.			-100.00%	
	*INT'L REV. L. & ECON.			-100.00%	
	J. AIR L. & COM.	100.00%	-50.00%	-100.00%	-100.00%
	*J. CORP. L.			-100.00%	
	*J. CRIM. L.			-100.00%	
	*J.L. & ECON.	-100.00%		-100.00%	-100.00%
	*J. LEGAL STUD.		100.00%	-100.00%	
	J. MAR. L. & COM.	100.00%	-50.00%	-100.00%	-100.00%
	*J. PAT. [&TRADEMARK]				
	OFF. SOC'Y	-100.00%		-100.00%	
	*J. ST. TAX'N			-100.00%	
	J. TAX'N	-33.33%	-50.00%	-100.00%	-100.00%
	*JUDICATURE		-33.33%	-100.00%	
	*JURIMETRICS J.			-100.00%	
	*KAN. L. REV.			-100.00%	
	*LAB. LAW.			-100.00%	
	LAW & CONTEMP. PROBS.	10.00%	-90.90%	-100.00%	-100.00%
	*LAW & SOC'Y			-100.00%	
	*LAW Q. REV.		0.00%	-100.00%	
	*MIL. L. REV.			-100.00%	
	MISS. L.J.	-50.00%	-50.00%	-100.00%	-100.00%
	MO. L. REV.	100.00%	0.00%	-100.00%	-100.00%
	MONT. L. REV.	0.00%	0.00%	-100.00%	-100.00%
	*N.Y. ST. B.J.	-100.00%		-100.00%	-100.00%
	*N.Y.U. REV. L. & SOC. CHANGE			-100.00%	
	OHIO ST. L.J.	50.00%	-33.33%	-100.00%	-100.00%
	*PAC. L.J.			-100.00%	
	*PEPP. L. REV.			-100.00%	
	*RECUEIL DES COURS (j)			-100.00%	
	*SANTA CLARA L. REV.			-100.00%	
	SETON HALL L. REV.	0.00%	0.00%	-100.00%	-100.00%

APPENDIX IV CONTINUED
 FREQUENCY OF CITATIONS, NET CHANGES
 1971-71, 1981-83, 1991-93, 1996-98
 SUPREME COURT TERMS

<i>Rank (1996- 1998)</i>	<i>Journal</i>	<i>Incremental Net Change 71/73-81/83</i>	<i>Incremental Net Change 81/83-91/93</i>	<i>Incremental Net Change 91/93-96/98</i>	<i>Overall Net Change 71/73-96/98</i>
	*STETSON L. REV.			-100.00%	
	SUP. CT. REV.	-50.00%	42.86%	-100.00%	-100.00%
	*TAX LAW.			-100.00%	
	*TAX NOTES			-100.00%	
	TEMP. L.Q.	-40.00%	-66.67%	-100.00%	-100.00%
	*TEX. B.J.			-100.00%	
	*TUL. MAR. L.J.			-100.00%	
	U. MICH. J.L.				
	REFORM	-66.67%	-50.00%	-100.00%	-100.00%
	U. PITT. L. REV.	0.00%	-33.33%	-100.00%	-100.00%
	*UTAH B.J.			-100.00%	
	WASH. U. L.Q.	-66.67%	-50.00%	-100.00%	-100.00%
	*W. ST. U.L. REV.			-100.00%	
	*WILLAMETTE L. REV.			-100.00%	
	*YALE J. INT'L L.			-100.00%	
	*YALE L. & POL'Y REV.			-100.00%	

- a. This 1996-1998 journal cite did not have a previous cite in one or all of the 1971-1973, 1981-1983, or 1991-1993 terms.
- b. The Court cited journals 271 times during the 1996-98 term.
- c. The calculation of journal cites may include multiple citings of the same journal within the same Supreme Court case. *See supra* note 9.
- d. In November 1977, the *Boston College Industrial and Commercial Law Review* changed its title to the *Boston College Law Review*, beginning with volume 19.
- e. In 1974, the *Journal of Public Law* changed its title to the *Emory Law Journal*, beginning with volume 23.
- f. In March-April 1952, the *Illinois Law Review* changed its title to the *Northwestern University Law Review*, beginning with volume 23.
- g. The Court cited the *Federal Rules Decisions* one time. Citations to cases in the *Federal Rules* are not included.
- h. In Winter 1980, the *John Marshall Journal of Practice and Procedure* changed its title to the *John Marshall Law Review*, beginning with volume 13.
- i. In Fall 1962, the *Rocky Mountain Law Review* changed its title to the *University of Colorado Law Review*, beginning with volume 35.
- j. *Receil des Cours* is published by the Hague Academy of International Law.

APPENDIX V
JOURNALS WITH INCREASED CITATIONS
OCT. 1971-OCT. 1973 TERM TO OCT. 1996-OCT. 1998 TERM

<i>Rank (1996 -1998)</i>	<i>Journal (a)</i>	<i>No. of Citations 1971-1973</i>	<i>No. of Citations 1996-1998</i>	<i>Percentage Increase</i>
13	UCLA L. REV.	1	4	300.00%
20	B.U. L. REV.	1	3	200.00%
27	AM. J. INT'L L.	1	2	100.00%
20	EMORY L.J. (b)	2	3	50.00%
7	CORNELL L. REV.	6	8	33.33%

- a. Inclusion in this table is limited to journals with at least 2 citations during the 1996-1998 Supreme Court term.
- b. In 1974, the *Journal of Public Law* changed its title to the *Emory Law Journal*, beginning with volume 23.

APPENDIX VI
JOURNALS WITH INCREASED CITATIONS
OCT. 1981-OCT. 1983 TERM TO OCT. 1996-OCT. 1998 TERM

<i>Rank 1996-1998</i>	<i>Journal (a)</i>	<i>No. of Citations 1981-1983</i>	<i>No. of Citations 1996-1998</i>	<i>Percentage Increase</i>
13	B.C. L. REV. (b)	1	4	300.00%
27	NOTRE DAME L. REV.	1	2	100.00%

- a. Inclusion in this table is limited to journals with at least 2 citations during the 1996-1998 Supreme Court Term.
- b. In November 1977, the *Boston College Industrial and Commercial Law Review* changed its title to the *Boston College Law Review*, beginning with volume 19.

APPENDIX VII
 JOURNALS WITH INCREASED CITATIONS
 OCT. 1991-OCT. 1993 TERM TO OCT. 1996-OCT. 1998 TERM

<i>Rank</i> <i>1996-1998</i>	<i>Journal (a)</i>	<i>No. of</i> <i>Citations</i> <i>1991-1993</i>	<i>No. of</i> <i>Citations</i> <i>1996-1998</i>	<i>Percentage</i> <i>Increase</i>
13	B.C. L. REV. (b)	1	4	300.00%
20	HARV. J. ON LEGIS.	1	3	200.00%
20	EMORY L.J. (c)	2	3	50.00%

- a. Inclusion in this table is limited to journals with at least two citations during the 1996-1998 Supreme Court term.
- b. In November 1977, the *Boston College Industrial and Commercial Law Review* changed its title to the *Boston College Law Review*, beginning with volume 19.
- c. In 1974, the *Journal of Public Law* changed its title to the *Emory Law Journal*, beginning with volume 23.

APPENDIX VIII
 FREQUENCY ON CITATIONS BY TIER
 OCT. 1971-OCT. 1973 TERM TO OCT. 1996-OCT. 1998 TERM

<i>Tier of Cited</i> <i>Journals (a)</i>	<i>1971-1973 (b)</i>	<i>1996-1998</i>	<i>Net Change</i>
Top 10%	562/963 58.36%	130/271 47.97%	-10.39%
2d 10%	139/963 14.43%	41/271 15.13%	0.70%
3d 10%	78/963 8.10%	26/271 9.59%	1.49%
4th 10%	54/963 5.61%	17/271 6.27%	0.66%
5th 10%	40/963 4.15%	10/271 3.69%	-0.46%
Bottom 50%	87/963 9.03%	46/271 16.97%	7.94%

- a. The first entry, for example, represents journals that the Supreme Court cited most frequently during each period and that comprise the top 10% of journals that the Court cited during that period. The calculation of tiers for the 1996-1998 term approximates 10% by varying between 9 and 10 journals per tier.

- b. The entry notes the number of citations that the tier garnered during the given period out of the total number of citations to legal journals during that period. It also states the finding as a percentage.

APPENDIX IX

FREQUENCY ON CITATIONS BY TIER

OCT. 1981-OCT. 1983 TERM TO OCT. 1996-OCT. 1998 TERM

(a) <i>Tier of Cited Journals</i>	(b)				
	1981-1983	1996-1998			<i>Net Change</i>
Top 10%	439/767 56.84%	130/271 47.97%			-8.87%
2d 10%	117/767 15.25%	41/271 15.13%			-0.12%
3d 10%	70/767 9.13%	26/271 9.59%			0.46%
4th 10%	39/767 5.08%	17/271 6.27%			1.19%
5th 10%	28/767 3.65%	10/271 3.69%			0.04%
Bottom 50%	77/767 10.04%	46/271 16.97%			6.93%

- a. The first entry, for example, represents journals that the Supreme Court cited most frequently during each period and that comprise the top 10% of journals that the Court cited during that period. The calculation of tiers for the 1996-1998 term approximates 10% by varying between 9 and 10 journals per tier.
- b. The entry notes the number of citations that the tier garnered during the given period out of the total number of citations to legal journals during that period. It also states the finding as a percentage.

APPENDIX X

FREQUENCY ON CITATIONS BY TIER

OCT. 1991-OCT. 1993 TERM TO OCT. 1996-OCT. 1998 TERM

(a) <i>Tier of Cited Journals</i>	(b)				
	1991-1993	1996-1998			<i>Net Change</i>
Top 10%	304/577 52.69%	130/271 47.97%			-4.72%
2d 10%	92/577 15.94%	41/271 15.13%			-0.81%
3d 10%	62/577 10.75%	26/271 9.59%			-1.16%
4th 10%	29/577 5.03%	17/271 6.27%			1.24%
5th 10%	26/577 4.51%	10/271 3.69%			-0.82%
Bottom 50%	64/577 11.09%	46/271 16.97%			5.88%

- a. The first entry, for example, represents journals that the Supreme Court cited most frequently during each period and that comprise the top 10% of journals that the Court cited during that period. The calculation of tiers for the 1996-1998 term approximates 10% by varying between 9 and 10 journals per tier.
- b. The entry notes the number of citations that the tier garnered during the given period out of the total number of citations to legal journals during that period. It also states the finding as a percentage.

APPENDIX XI
AGE OF CITATIONS
THE NUMBER OF CITATIONS TO ARTICLES
ACCORDING TO DATE OF ARTICLES' PUBLICATION

FIVE YEAR PERIOD	NUMBER OF CITATIONS TO ARTICLES PUBLISHED DURING EACH FIVE YEAR PERIOD
1995-1998 (a)	59
1990-1994	70
1985-1989	39
1980-1984	27
1975-1979	8
1970-1974	14
1965-1969	10
1960-1964	5
1955-1959	9
1950-1954	5
1945-1949	5
1940-1944	3
1935-1939	5
1930-1934	4
1925-1929	6
1920-1924	0
1915-1919	0
1910-1914	1
1905-1909	0
1900-1904	1
1895-1899	0
1890-1894	0
1885-1889	0

- (a) This period was slightly less than five years because the study ended.

APPENDIX XII
AGE OF ARTICLES CITED, OCT. 1996-OCT. 1998
SUPREME COURT TERMS

Number of Citations



